

# **Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

THE UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

File No: CR 08-360

Paul Alvin Slough, )

Evan Shawn Liberty, )

Dustin Laurent Heard, )

Defendants. )

Date: August 5, 2014

Time: 2:09 p.m.

----- DAY 33 - P.M. Session

THE UNITED STATES OF AMERICA, )

Plaintiff, )

Vs. )

File No: CR 14-107

Nicholas Abram Slatten, )

Defendant. )

TRANSCRIPT OF JURY TRIAL  
HELD BEFORE  
THE HONORABLE ROYCE C. LAMBERTH  
UNITED STATES DISTRICT JUDGE

Court Reporter:

Vicki Eastvold, RMR, CRR  
Official Court Reporter  
U.S. Courthouse, Room 6722  
333 Constitution Avenue, NW  
Washington, DC 20001  
202-354-3242

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1 (Upon resuming at 2:09 p.m. outside the presence  
2 of the jury.)

3 MR. KAVANAUGH: Your Honor, shall we excuse the  
4 witness?

5 THE COURT: Yes.

6 (NOTE: Witness exiting the courtroom.)

7 THE COURT: Based on the defendant's request for  
8 action on the *Brady* question that was argued last night, I  
9 have determined that no further opening statement needs to  
10 be made as a curative measure, but that an instruction to  
11 the jury is appropriate. And I propose to do the  
12 instruction now so that if the defendant wants to show the  
13 witness these photographs or any subsequent witness these  
14 photographs, they may do so. And also so that I can advise  
15 the jury that I'm requiring the government to re-call any  
16 witness who testified before July 23 at the request of any  
17 defendant who wishes to ask the witness questions about  
18 these photographs. So that I will, basically, give the  
19 first two paragraphs as proposed by the defendants and as  
20 agreed to by the government, except that I'll add the phrase  
21 the defendants had that the government failed to turn it  
22 over before trial as required by law. And then I'll  
23 substitute that language about my requiring the government  
24 to re-call any witness at the end of that.

25 Then if you want to use those photographs in

1 confronting any subsequent witness, you can do so. And if  
2 you want any prior witness to be re-called, you can raise it  
3 if the government declines to do it. So we'll go ahead and  
4 bring the jury down, I'll give them that instruction.

5 MR. COFFIELD: Your Honor, we would also ask as  
6 quickly as possible we get some report as to who put these  
7 montages together.

8 THE COURT: Right. Do we know? Yes, Mr. Crabb?

9 MR. CRABB: Your Honor, we don't know anything  
10 more than we did yesterday afternoon at this point.

11 THE COURT: Okay.

12 MR. MARTIN: Your Honor, I believe defense counsel  
13 are going to allow me to introduce this exhibit and also  
14 just ask a couple questions of the witness.

15 MR. HEBERLIG: Your Honor, would it be  
16 appropriate, just so the jury understands what the  
17 instruction is in reference to, to display the photographs  
18 while the instruction is given?

19 THE COURT: You can.

20 MR. HEBERLIG: Okay. Thank you.

21  
22 (NOTE: The jury entering the courtroom at  
23 2:13 p.m.)

24 THE COURT: Ladies and gentlemen, from time to  
25 time throughout the trial I will give you some instructions.

1 On July 24 during the examination of Special Agent  
2 David Farrington, the defense introduced into evidence as  
3 Defense Exhibits 2413 and 2414 two pictures of eight shell  
4 casings from behind the bus stop to the south of Nisur  
5 Square. You saw that evidence then because the government  
6 failed to turn it over before trial as required by law.

7 The defendants learned of that evidence on the  
8 evening of July 23, 2014, when the government disclosed it.

9 As a result of the delay, the Court will require the  
10 government to re-call any witness who testified before July  
11 23 at the request of any defendant who wishes to ask the  
12 witness questions about these particular photographs.

13 They're on display for you now. You can jot down  
14 their numbers, 2413 and 2414. You can take those down.

15 MR. HEBERLIG: Thank you, Your Honor.

16 THE COURT: The witness now will resume the stand.  
17 Mr. Krueger. And I understand the government has a couple  
18 more questions before he steps down.

19 MR. MARTIN: Yes. Thank you.

20 (NOTE: The witness resuming the witness stand.)

21 MR. MARTIN: May I proceed, Your Honor?

22 THE COURT: You may.

23 MR. MARTIN: Thank you.

24 BY MR. MARTIN:

25 Q. Mr. Krueger, just a few more questions. I'm approaching

1 UNITED STATES DISTRICT COURT.)  
2 ) ss.  
3 FOR THE DISTRICT OF COLUMBIA )  
4

5 **CERTIFICATE OF OFFICIAL COURT REPORTER**  
6

7 I, VICKI EASTVOLD, do hereby certify that the  
8 above and foregoing constitutes a true and accurate  
9 transcript of my stenographic notes and is a full, true and  
10 complete transcript of the proceedings to the best of my  
11 ability.

12 Dated this 5th day of August, 2014.  
13

14 s/Vicki Eastvold  
15 Official Court Reporter  
16 United States Courthouse  
17 Room 6722  
18 333 Constitution Avenue, NW  
19 Washington, DC 20001  
20 202-354-3242  
21  
22  
23  
24  
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